



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,593	01/12/2001	Evan E. Koslow	349.6640USU	9420

30546 7590 07/02/2003

SHIRLEY S. MA
KX INDUSTRIES, L.P.
269 S. LAMBERT ROAD
ORANGE, CT 06477

EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	18

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The communication filed on March 26, 2003 is *non-responsive* to the prior Office action because Applicants have failed to clarify their position regarding the 112 rejection made. Applicants have asserted:

Applicants have amended claim 1 such that the compartment and the ingredients are placed in the preamble portion of the claim and are only referred to in the claim body, thereby more clearly indicating that the compartment and ingredients exist to flesh out the environment of the claimed invention, and are not part of the claimed invention. Therefore, given the amendment to claim 1, Applicants submit that the rejection under § 112, second paragraph is obviated and the rejection be withdrawn.

The amendment to claim 1 is inconsistent with Applicants' assertion. The amended claim specifies that "*said means for removing being releasably supported upon said wall member of said compartment.*" Clarification and/or correction is required.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Robert James Popovics
Primary Examiner
Art Unit 1724

ryp
June 28, 2003
09/759,593